

-PS-O-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WILLIE IVY,

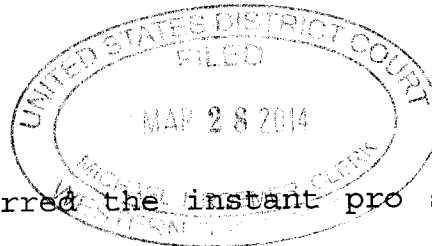
Petitioner,

-v-

13-CV-0627Sc
ORDER

SANDRA DOLCE,

Respondent.



On July 1, 2013, the Court transferred the instant pro se petition for a writ of habeas corpus to the United States Court of Appeals for the Second Circuit as a second or successive petition, see 28 U.S.C. § 2244(b). (Docket No. 3. Order.) The Second Circuit denied a motion authorizing this Court to consider the petition, see 28 U.S.C. § 2244(b). (Docket No. 5, Mandate). On January 23, 2014, this Court denied petitioner's motion to vacate the initial Order transferring the petition to the Second Circuit. (Docket No. 8, Order.) Petitioner has filed a notice of appeal from the Order denying the motion to vacate. (Docket No. 9.)

Because the issues raised in this Court's denial of petitioner's motion to vacate and the initial transfer of this petition to the Second Circuit are not debatable among jurists of reason, the Court concludes that petitioner has failed to make a substantial showing of the denial of a constitutional right, 28 U.S.C. § 2253(c)(2), and accordingly the Court denies a certificate of appealability.

IT IS HEREBY ORDERED that a certificate of appealability is denied.

SO ORDERED.

S/ Michael A. Telesca

MICHAEL A. TELESCA
United States District Judge

Dated: March 26, 2014
Rochester, New York